

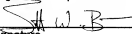
CERTIFICATE OF ELECTRONIC TRANSMISSION

I hereby certify that this correspondence is being filed electronically with the U.S. Patent and Trademark Office on July 20, 2007.

Scott W. Brim, Reg. No. 51,500

Name of Applicant, Assignee or

Registered Representative


Signature

Our Case No. 9333/278

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Mitsunori Shirato

Serial No.: 09/918,414

Filing Date: July 30, 2001

For: Method and Apparatus for Program Type
Searching by a Receiver

Examiner: Chowdhury, Sumaiya A

Group Art Unit No.: 2623

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandra, VA 22313-1450

Dear Sir:

Applicant requests review of the rejections in the above-identified application.
No amendments are being filed with this request.

This request is being filed with a Notice of Appeal

The review is requested for the reasons stated on the attached sheets. No more than five (5) pages are provided.

REMARKS

I. Introduction

Claims 1-12 and 14-23 are pending in the application. In the final Office Action dated April 24, 2007 and the Advisory Action dated June 27, 2007, the Examiner rejected claims 1, 3-7, 9-12, and 14 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Pat. No. 6,684,240 ("Goddard") in view of U.S. Pat. No. 6,473,559 ("Knudson") and U.S. Pat. No. 6,005,565 ("Legall"). Further, claims 15-23 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Goddard in view of Legall, and claims 2 and 8 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Goddard in view of Knudson, Legall, and U.S. Pat. No. 6,535,688 ("Kawamura"). Applicant respectfully requests review of the rejections.

II. The Proposed Combinations Do Not Render the Claims Unpatentable

Each of the independent claims recites a plurality of program information segments, each of the program information segments being associated with a plurality of program type identifiers, each program type identifier identifying at least **a topic** associated with a content of the program segment. A topic associated with program content generally describes a classification of the program content so that users may locate programs they may have an interest in. For example, as described in the specification, program content may be associated with topics such as "sports," "golf," "baseball," and "soccer."

The Examiner has asserted that Goddard teaches an identifier that identifies a topic associated with content. Applicant respectfully disagrees. Goddard teaches performing actions based on **a rating** associated with program content. An identifier identifying a rating associated with program content is not the same as an identifier identifying a topic associated with program content. While Goddard may state that a content rating may describe a nature of the content and its appropriateness for particular audiences, Goddard only teaches identifying a nature of the content in terms of ratings. There is no mention in Goddard of a content rating identifying a **topic** associated with content such as "sports," "golf," "baseball," and "soccer." Goddard only teaches a content rating identifying appropriateness for particular audiences based on

traditional television or motion picture ratings, or using terms such as "language," "nudity," or "adult theme."

In the Advisory Action, the Examiner asserts that ratings reflect the subject or theme of a program. Applicant respectfully disagrees. As pointed out by the Examiner, a rating may indicate a level of violence, adult content, and/or crude indecent language in a program. Ratings do not indicate **a topic** associated with program content as recited in the independent claims.

Because Goddard fails to teach a plurality of program information segments, each of the program information segments being associated with a plurality of program type identifiers, each program type identifier identifying at least **a topic** associated with a content of the program segment as asserted by the Examiner, the proposed combinations of Goddard, Knudson, Legall and Kawamura as contemplated by the Examiner necessarily do not render independent claims 1, 7, and 15, or any claims that depend on claims 1, 7, and 15, unpatentable. Applicants respectfully request review of the final rejections.

Respectfully submitted,



Scott W. Brim
Registration No. 51,500
Attorney for Applicants

BRINKS HOFER GILSON & LIONE
P.O. BOX 10395
CHICAGO, ILLINOIS 60610
(312) 321-4200

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Docket Number (Optional) 9333-278

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Signature Scott W. Brim

Typed or printed

Name Scott W. Brim

Application Number

09/918,414

Filed July 30, 2001

First Named Inventor Mitsunori Shirato

Art Unit

2623

Examiner

Chowdhury, Sumaiya A.

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This request is being filed with a Notice of Appeal.

The review is requested for the reason(s) stated on the attached sheet(s).

Note: No more than five(5) pages may be provided.

I am the

☐ applicant/inventor.

☐ assignee of record of the entire interest.

See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)

☒ attorney or agent of record.

Registration number 51,500

☐ attorney or agent acting under 37 CFR 1.34.

Registration number if acting under 37 CFR 1.34.

Scott W. Brim
Signature

Scott W. Brim

Typed or Printed Name

312 321-4200

Telephone number

July 20, 2007

Date

Note: Signatures of all inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.*

☒ *Total of 1 forms are submitted.